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**PAGE COUNTY BOARD OF SUPERVISORS**

**MEETING-MINUTES**

**MAY 8, 2001**

**GENERAL DISTRICT COURTROOM**

**2:30 P.M.**

*Minutes marked as "Not Adopted" are posted prior to being adopted by the Board of Supervisors. Some corrections may be made at the next regular meeting of the Board. Please call the County Administrator's Office at (540) 743-4142 if you have a question about a specific item.*

**MEMBERS PRESENT:**Allen Cubbage, Chairman, District 3

Nora Belle Comer, Vice Chairman, District 1

Elaine Mayberry, Supervisor, District 2

Gerald Cubbage, Supervisor, District 4

Robert Good, Supervisor, District 5

**ALSO PRESENT:**C. Dean BeLer, County Administrator

Rodger Smith, County Attorney

Geraldine Cubbage, Accountant

C.R. Suddith Jr., Treasurer

Sheriff Daniel Presgraves

Reed Beahm, E911 Coordinator

Michael Hawes, Solid Waste Consultant

Scott Sedwick, Tellurian

David Huffman, E911 Consolidation Chairman

EMCO/Anderson representatives

### **CALL TO ORDER**

At 2:30 p.m. Chairman Allen Cabbage called the meeting of May 8, 2001 to order, and the invocation was given by Supervisor Comer, followed by Supervisor Good reciting the Pledge of Allegiance.

### **Adoption of Agenda**

#### **MOTION**

Supervisor Good moved to approve the adoption of the agenda.

Supervisor Comer seconded. The motion was carried by a vote of 5-0.

AYES: Elaine Mayberry, Robert Good, Allen Cabbage,

Nora Belle Comer, and Gerald Cabbage.

NAYS: None

### **County Administrator's report:**

Mr. BeLer addressed the Board with a wide range of reports, starting off with announcing that the Planning Commission may request to seek assistance from a planner in regards to the Racetrack. The evening session will address the proposal from the Planning Commission to conduct a joint Public Hearing with the Board of Supervisors in review of the Draft Comprehensive Plan.

It was noted that possible budget transfers, revenue, and expenditure proposals need to be addressed in the evening session.

Mr. BeLer announced that the County Administrator's office now has a chronological

file pertaining to solid waste that is available for the citizens for quick reference in obtaining a document. In addition to creating this file, Mr. BeLer noted that he would personally like to invite the citizens to make an appointment to meet with him, to discuss more efficient ways of completing their FOIA requests.

The County Administrator noted that representatives from EMCO/Anderson would be attending the

evening session to introduce themselves to the Board.

Mr. BeLer noted that Mr. Sedwick has asked that a letter of financial assurance be drafted for the permits that have been issued at Battlecreek.

Additional report items that Mr. BeLer brought forth to the Board included blasting at the landfill, receipt of Air Permit, report of cell liner #6, update on consent order, redistricting and VRA loan.

County Administrators reports concluded with Mr. BeLer requesting approval of annual leave for May 17<sup>th</sup>, 18<sup>th</sup>, and 21<sup>st</sup>.

### **Public Comment #1**

*Mary Whitehead*

Mrs. Whitehead spoke before the Board in reference to understaffing and the lack of follow through at the County Administration office.

### **Anticipation Note**

Mr. Suddith was asked to address the Board concerning soliciting bids for a Revenue Anticipation Note for the fiscal year 2001-2002. Mr. Suddith explained that the amount would not exceed \$3,000,000.00, and noted that the interest rates were favorable at the present time.

### **MOTION**

Supervisor Comer moved to request the Treasurer to solicit bids for a

Revenue Anticipation Note for the fiscal year 2001-2002 in an amount

not to exceed \$3,000,000.00 with the understanding that it be followed by

a resolution.

Supervisor Gerald Cubbage seconded. The motion was carried by a vote

of 5-0.

AYES: Elaine Mayberry, Robert Good, Gerald Cubbage,

Nora Belle Comer, and Allen Cubbage.

NAYS: None

### **Review of Warrant List**

During the brief review of the warrant list, certain check numbers were questioned, with Mr. BeLer addressing the questions. The checks in question are as follows:

#131756-Social Services/Janitorial

#131573-Colonial Williamsburg

#131693-Lori Nealis-reimbursement

#131580-Board of Supervisors/food/beverages.

### **Payroll register**

#### **MOTION**

Supervisor Good moved to approve the payroll register dated 04-01-01

through 04-30-01 which also includes overtime payment as the result

of a Department of Labor audit.

Supervisor Comer seconded. The motion was carried by a vote of 5-0.

AYES: Elaine Mayberry, Gerald Cubbage, Nora Belle Comer,

Allen Cubbage, and Robert Good.

NAYS: None

### **Approval of minutes**

#### **MOTION**

Supervisor Comer moved to approve the minutes from the meetings

of April 10, 2001 and May 1, 2001.

Supervisor Mayberry seconded. The motion was carried by a vote of 5-0.

AYES: Elaine Mayberry, Robert Good, Gerald Cubbage,

Allen Cubbage, and Nora Belle Comer.

NAYS: None

**Strategic Plan of the Board of Supervisors**([attachment #1-resolution](#))

Mr. BeLer addressed the Board recommending the approval of the enclosed resolution which stemmed from actions by the Board at the retreat held in March.

Supervisor Gerald Cubbage did note that he felt that he was being kept out of the realm of information. He asked if the administration office could devise a way to notify him of information at the same time the other Supervisors receive their information.

**MOTION**

Supervisor Mayberry moved to approve the resolution entitled

" Resolution of the Page County Board of Supervisors on the

adoption of a Strategic Plan 2001".

Supervisor Good seconded. The motion was carried by a vote of

4-1.

AYES: Robert Good, Nora Belle Comer, Allen Cubbage, and

Elaine Mayberry.

NAYS: Gerald Cubbage.

**Fair Labor Standards Act**

Mr. BeLer presented the Board with a brief updated report on the Fair Labor Standards Act. After a January visit from the representative, it had been determined that the County was not in total compliance with the Fair Labor Standards Act. Staff is in the process of working with the Department of Labor to correct this noncompliance.

**Considerations of services by County and Towns** ([attachment #2-resolution](#))

Mr. BeLer addressed the Board, notifying them that a letter had been received by the Luray Town Council requesting that a resolution be adopted waiving all tipping fees associated with the Town of Luray. Mr. BeLer concluded in verifying that he is in the process of meeting with the three towns to discuss this matter.

**MOTION**

Supervisor Good moved to adopt the resolution titled Consideration

of Services by County and Towns.

Supervisor Comer seconded. The motion was carried by a vote of 5-0.

AYES: Elaine Mayberry, Nora Belle Comer, Robert Good

Gerald Cubbage, and Allen Cubbage.

NAYS: None

**E911 Cellular Tax Payment**

Mr. Beahm addressed the Board, stating that he had enclosed information regarding the implementation of wireless services within the state of Virginia. State code will require this service no later than July 1, 2002. The funding of \$79,300 will start July 1, 2001, with \$46,000 for new equipment/upgrade, and a \$33,000 annual reoccurring cost. If approved, the County will need to set up a separate wireless E911 account for the Auditor of Public Accounts to audit annually.

**MOTION**

Supervisor Comer moved to approve the implementation of Wireless

E911.

Supervisor Mayberry seconded. The motion was carried by a vote of 5-0.

AYES: Gerald Cubbage, Robert Good, Allen Cubbage,

Nora Belle Comer, and Elaine Mayberry.

NAYS: None

At this time the Board recessed for 5 minutes.

**Closed Session:** 3:45 p.m.

MOTION

Supervisor Comer moved the Page County Board of Supervisors enter into a closed meeting pursuant to the provisions of Section 2.1-344.1 of the Code of Virginia, 1950, as amended, for the purpose of discussing personnel and legal.

Supervisor Good seconded. The motion was carried by a vote of 5-0.

AYES: Nora Belle Comer, Robert Good, Allen Cubbage, Gerald Cubbage, and Elaine Mayberry.

NAYS: None

**Exit Closed Session:** 4:40 p.m.

MOTION

Supervisor Comer moved the closed meeting be adjourned and the Page County Board of Supervisors reconvene in open session.

Supervisor Good seconded. The motion was carried by a vote of 5-0.

AYES: Elaine Mayberry, Allen Cubbage, Robert Good, Gerald Cubbage, and Nora Belle Comer.

NAYS: None

**Certification of Closed Session:**

"To the best of my knowledge (i) only public business matters lawfully exempted from open meeting requirements under Section 2.1-344 of the Code of Virginia, 1950, as amended, and (ii) only such public business matters as were identified in the motion by which the closed meeting was convened were heard, discussed or considered in the meeting of May 8, 2001."

MOTION Good SECOND Comer

AYE NAY ABSENT ABSTAIN

Nora Belle Comer X

Elaine Mayberry X

Gerald M. Cubbage X

Allen J. Cubbage X

Robert Good X

**Revote on payroll register**

Supervisor Gerald Cubbage requested that the Board revote on the payroll register due to his wife being included in the payroll register.

**MOTION**

Supervisor Good moved to exclude check number 204964 from the payroll register.

Supervisor Comer seconded. The motion was carried by a vote of 5-0.

AYES: Elaine Mayberry, Nora Belle Comer, Gerald Cubbage,  
Robert Good, and Allen Cubbage.

NAYS: None

**MOTION**

Supervisor Comer moved to approve check number 204964 in the amount



of \$13,154.48 which represents overtime payment as a result of a

Department of Labor Audit.

Supervisor Mayberry seconded. The motion was carried by a vote of 4-1.

AYES: Elaine Mayberry, Robert Good, Nora Belle Comer,

Allen Cubbage.

NAYS: None

ABSTAIN: Gerald Cubbage

**Recess:** 5:50 p.m.

**Reconvene:** 6:30 p.m.

The Board of Supervisors meeting reconvened at 6:30 p.m. with all members present.

## **Public Comments #2**

*Mary Whitehead-*

Mrs. Whitehead addressed the Board questioning the type of waste that will be brought in with the proposed waste contracts. Mrs. Whitehead commented that the Board should be extra careful in their research as to what type of contract that they are signing.

*Charles Ballard-*

Mr. Ballard came before the Board to make his comments on the financial losses that Page County has acquired, which are associated with the landfill. In closing Mr. Ballard made note of the Oliver/Perkins depositions and alluded that they could be tied into the Mafia.

*Edward Kieloch-*

Mr. Kieloch addressed the Board stating that he had worked in management for the better part of fifty three years. Mr. Kieloch noted that he felt good management is a part of any good Enterprise and Page County needs to be governed by a professional manager, not a group of amateurs.

*John Rodgerson-*

Mr. Rodgerson commented to the Board that it has taken months to conduct an investigation on the explosion at the landfill, but was happy to report that VACO has submitted a report. Mr. Rodgerson wanted it noted that the final report specified certain safety precautions that needed to be followed. In the last visit that Mr. Rodgerson made to the landfill, he can attest that these precautions are not presently enforced.

*Natalie Zuckerman-*

Mrs. Zuckerman addressed the Board speaking in opposition to the proposed racetrack. Mrs. Zuckerman commented that the board needs to take into consideration the citizens who own property close to the proposed racetrack. In conclusion, Mrs. Zuckerman noted that people who enjoyed the sport of racing could easily go to the surrounding counties to find races.

*Mrs. Barbara Coulter-*

Mrs. Coulter encouraged the Board to ask the members of the Planning Commission to go to as many planning courses that they could. Having a certified planner for Page County would be in the County's best interest.

### **EMCO/Anderson representatives**

Mr. Glassnapp introduced himself to the Board and gave a brief report on the acquisition of EMCO. The representatives from Anderson Corp. then addressed themselves to the Board and handed out a pamphlet to each Supervisor showing the history of the Anderson Corporation.

The Board suggested a five minute recess to introduce themselves to EMCO and Anderson representatives.

### **Old Business**

#### **Shenandoah tax abatement**

Mr. Smith reported to the Board his follow up on the Shenandoah tax abatement. Mr. Smith informed the Board that the Town of Shenandoah will need to submit their final request along with a change in the ordinance before the County would be in the position to proceed.

#### **Juvenile bed facility**

Both Sheriff Presgraves and Mr. Smith addressed the Board stating that they had a ninety day withdrawal period that will expire June 30<sup>th</sup>. The contract is a ten year contract with three years remaining. Sheriff Presgraves recommends withdrawing from the contract since the bed is no longer being used.

## MOTION

Supervisor Good moved that the Board withdraw from the contract to supply the County with juvenile bed space at the Northwestern Regional Juvenile Detention Center in Winchester.

Supervisor Comer seconded. The motion was carried by a vote of 5-0.

AYES: Elaine Mayberry, Nora Belle Comer, Robert Good, Allen Cabbage, Gerald Cabbage.

NAYS: None

## River Use Committee

Supervisor Comer gave a brief update on the River Use Committee, and informed the citizens that four members would need to be appointed or reappointed to the committee before July 1<sup>st</sup>. After Supervisor Comer's request, both Mr. Atwood, and Mr. Eldridge agreed to appointments on the River Use Committee. However, Mr. Eldridge noted that he would not serve in the position of Chairman again.

## Davenport Bill to IDA

Mr. BeLer reported that he has sent a letter to Davenport asking them for additional information, and at this time, has not received a response. Supervisor Mayberry requested that Mr. BeLer continue to follow up on the matter.

## Report of Insurance-accident at leachate tanks

Mr. BeLer reported that as a first step towards getting a handle on the accident at the leachate tanks, a representative from VACO was asked to inspect and send a report. Mr. BeLer noted that the report with recommendations has been included in the agenda packet. The report stated the recommendations on hiring the service of an engineering firm specializing in landfills, along with monitoring ventilation, grounding and bonding, non-sparking tools, and leachate tank inspections.

Supervisor Good stated that he could not understand why the landfill did not have written instructions clearly stating the proper procedures for employees to refer to when they are working with the tanks. Supervisor Good noted that the truck driver should be required to sign off on a document verifying that he has followed all safety precautions before loading or unloading.

## DEQ Consent Order-Stanley Landfill

The County Administrator informed the Board that he was contacted by Mr. Edward Liggett, in which Mr. Liggett had asked that the letter sent to the County dated April 9, 2001 be incorporated into the April 10, 2001 minutes. The subject matter of the letter was the resolution concerning the Consent Order.

### MOTION

Supervisor Good moved to amend the minutes of April 10, 2001 to include the April 9, 2001 letter from E.A Liggett of the Department of Environmental Quality concerning the DEQ consent order.

Supervisor Comer seconded. The motion was carried by a vote of 5-0.

AYES: Nora Belle Comer, Elaine Mayberry, Allen Cubbage, Robert Good, and Gerald Cubbage.

NAYS: None

### Dirt from Landfill

By request of the Chairman, the County Administrator gave a brief report on the landfill dirt issue. Mr. BeLer informed the Board that there were still some unanswered questions concerning the dirt, but that he was still working to bring this issue to closure.

### Public Hearing: 7:15 p.m.

Chairman Allen Cubbage opened that Public Hearing on the 2002 County Budget, and proceeded to turn the floor over to the County Administrator. Mr. BeLer gave a brief statement on the budget and continued with a prepared overhead presentation on the proposed budget.

Chairman Cubbage opened the floor for discussion at 7:35 p.m.

Concerned citizens addressed the Board, covering financial issues concerning the budget. Issues that were brought before the Board were landfill, gypsy moth, animal shelter, and board retreats. Mr. BeLer and Geraldine Cubbage helped to answer questions that were directed to the Board.

Chairman Cubbage closed the Public Hearing at 7:45 p.m.

Mr. BeLer noted that additional requests regarding the budget have been brought to his attention, informing the Board that these requests will be funded by grants, and will be brought before the Board in June or July for Board approval. Mr. BeLer concluded in noting that the budget is a document used as a working tool, and if it should need changed, it can be amended anytime through the upcoming year.

## **New Business**

### **Virginia OSHA investigation**

Mr. BeLer noted that he has received a letter from OSHA stating that Page County is in violation with the Virginia Occupational Safety and Health Standard in regards to the Stanley Landfill. The Virginia Department of OSHA has suggested that the County enter into a onsite consultation service voluntarily. Mr. BeLer noted that material was made available in the Board agenda packet that would help explain the services provided to the County at no cost.

### **E911 Consolidation**

Mr. Huffman addressed the Board to explain the material provided in the agenda packet for the Supervisors. The plan discussed, would be an interim plan, starting with phase one to consolidate E911 and the Sheriff's dispatchers. The plan will move the existing Sheriff's dispatchers into the Emergency Operations Center and will have a back up console in place. It was noted upon conclusion of the report, that this is not a consolidation of departments, but essentially a move to put all public safety communications into one building.

## **Supervisor's Time**

Supervisor Comer said that she wanted to commend Mr. BeLer for all the time and effort that he put in preparing the budget.

Supervisor Good noted that the By-Laws still needs to reflect (on page 3 under section IV Chairman to the board) the reading as- However, the Chairman and Vice Chairman serve at the pleasure of the Board.

After a brief discussion, it was the consensus of the Board that this would need to be amended, as it was apart of the 3-2 vote to approve the By-Laws.

## **Appointments**

Supervisor Comer informed the Board members that Mr. C.R.Suddith, Jr. will complete his first four-year term on the Lord Fairfax Community College Board June 30. Mr. Suddith will be eligible for a second appointment to run from July 1, 2001 to June 30, 2005. Supervisor Comer noted that Mr. Suddith has been a very active and supportive member of that board and would recommend his continued support by reappointment.

## MOTION

Supervisor Comer moved to reappoint Mr. C.R.Suddith Jr., to serve on the Lord Fairfax Community College Board, effective July 1, 2001, with Aaterm of four years, and the term ending June 30, 2005.

Supervisor Good seconded. The motion was carried by a vote of 5-0.

AYES: Robert Good, Elaine Mayberry, Nora Belle Comer,  
Allen Cabbage, and Gerald Cabbage.

NAYS: None

## **Consent Agenda**

### *Resolution of County funded positions in other agencies*

Discussion took place concerning the County funded positions in other agencies. Mr. BeLer explained that certain agencies have, or are reported to have positions funded by the County, but fall under the supervision of an agency outside of the Board of Supervisors. The agencies listed were VPI Extension (Clerical position), Community Services Board(CSA Coordinator), and Schools(Vehicle Mechanic). The positions are not being reviewed as part of the current review of job descriptions. In conclusion of the discussion, Mr. Beler asked for the Board's direction in proceeding with the unknown reporting arrangement of these positions.

## MOTION

Supervisor Mayberry moved to direct the County Administrator to meet

with the appropriate agencies to incorporate County funded positions into the applicable agency personnel compliment.

Supervisor Comer seconded. The motion was carried by a vote of 5-0.

AYES: Elaine Mayberry, Robert Good, Gerald Cabbage,  
Allen Cabbage, and Nora Belle Comer.

NAYS: None

### *Norfolk and Southern payment*

Mr. BeLer informed the Board that Mr. Aleshire had the privilege of riding the rail with a Norfolk and Southern representative, confirming that there are no additional homes that would be eligible for payment.

### *Newsletter*

Mr. BeLer noted that the postage problem associated with the newsletter had been solved, and that he still recommended that the Board distribute a newsletter. Mr. BeLer noted that there were a number of items that would be available to put in upcoming newsletters.

### *Agreement with the Town of Stanley for Leachate Treatment*

Supervisor Mayberry requested that this item be pulled from the consent agenda. It was suggested that an engineering firm look into this contract to evaluate the long term cost of the contract.

Consent agenda:

NACo Conference Travel

Resolution to Greene County Re: solid waste disposal([attachment #3-resolution](#))

Norfolk and Southern Payment

Agreement with the Town of Stanley for Leachate Treatment

Approval of Financial Reports

Approval of Warrant List

Authorization for Submission of RFP to Greene County for solid Waste Disposal

Approval of waste contracts

Newsletter

County funded positions in other agencies

VDOT Construction Budget

## MOTION

Supervisor Good moved to approve the consent agenda, excluding the agreement with the Town of Stanley for leachate treatment.

Supervisor Comer seconded. The motion was carried by a vote of 5-0.

AYES: Robert Good, Allen Cubbage, Gerald Cubbage,  
Nora Belle Comer, and Elaine Mayberry.

NAYS: None

Supervisor Mayberry stated that in reference to short term solid waste contracts, she would like future contracts to designate only municipal waste. Supervisor Mayberry felt it was imperative to get waste into the County, and this was the only reason why she voted to approve broader categories of waste.

## **Tellurian Escrow**

Chairman Cubbage asked Mrs. Cubbage to report on the escrow account. Mrs. Cubbage reported to the Board that a separate bank account has been established for the Battlecreek Landfill. The account will be a separate account from the General Fund. The warrant list in June will contain a listed check with the amount to be put into this escrow account. Mrs. Cubbage noted that Mr. Smith was contacted by Mr. Suddith and herself to ensure that they were handling this account within the proper guidelines.

## **Board Tracker and Calendar**

Mr. BeLer gave a brief review of the Board Tracker and Calendar, noting to the Board that this was a convenient way of keeping them informed of future engagements, along with keeping abreast on unsolved issues.

## **Budget Transfers**

Mrs. Cubbage read before the Board the list of the interdepartmental budget transfers.

([attachment #4](#))

## MOTION



Supervisor Good moved to approve the interdepartmental budget transfers totaling \$15,424.00, incorporating and attaching hereto the detailed request.

Supervisor Comer seconded. The motion was carried by a vote of 4-1.

AYES: Elaine Mayberry, Nora Belle Comer, Robert Good, and Allen Cubbage.

NAYS: None

ABSTAIN: Gerald Cubbage

### **Supplemental Appropriations**

([attachment #5](#))

#### **MOTION**

Supervisor Good moved to budget and appropriate to Departments in the General Fund a total of \$1,569.00, incorporating and attaching hereto the detailed requests and sources of funds.

Supervisor Mayberry seconded. The motion was carried by a vote of 5-0.

AYES: Elaine Mayberry, Robert Good, Gerald Cubbage, Allen Cubbage, and Nora Belle Comer.

NAYS: None

**Recess:** 9:45 p.m.

May 15<sup>th</sup> , General District Courtroom, 5:30 p.m.

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CHAIRMAN COUNTY ADMINISTRATOR

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